

HAWAII ADMINISTRATIVE RULES
 TITLE 19
 DEPARTMENT OF TRANSPORTATION
 SUBTITLE 5
 MOTOR VEHICLE SAFETY OFFICE
 CHAPTER 143
 PUPIL TRANSPORTATION SAFETY

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\$19-143-1 Purpose. The purpose of this chapter is to provide safe transportation of students by setting safety requirements relating to school bus equipment, design, construction, and identification, driver training and qualifications, operations, loading and unloading, and maintenance and inspection. [Eff APR 27 1989] (Auth: HRS \$286-181) (Imp: HRS \$286-181)

\$19-143-2 General provisions. (a) Every school bus carrier shall read and become familiar with this chapter and shall instruct and train all drivers and employees in carrying out their responsibilities as required by this chapter. This chapter applies to all school buses operating in Hawaii and all such carriers, employees, and drivers shall comply with this chapter.

§19-143-3 Definitions. As used in this chapter:

"Chapter 19-141, motor carrier safety regulations" means parts 390-399, inclusive.

"Department" means the department of transportation.

"Director" means director of transportation.

"FMVSS" means the federal motor vehicle safety standard, as found in Title 49 Code of Federal Regulations Part 571 as it existed on October 1, 1987.

"General Order No. 2" means the Rules and Regulations to be Observed by Motor Carriers in the State of Hawaii dated 7/1/77.

"Motor carrier safety officer" means enforcement officers of the motor vehicle safety office of the department of transportation.

"School" means any day-care center, child-care facility, headstart program, preschool, kindergarten, elementary or secondary school, public or private, including any special school for children in the State.

"School bus carrier" means any person owner or manager who engages in operating type I, type II or type III school buses.

"School vehicle or school bus" means any publicly or privately owned motor vehicle used to transport pupils to and from a school as defined in section 298-41, HRS, or school functions or school related events, except:

- (1) A motor vehicle used for transportation of pupils attending schools above the twelfth grade or pupils over eighteen years of age;
- (2) A privately owned passenger vehicle when that transportation is provided without compensation of any kind;
- (3) A motor vehicle used for transportation of pupils together with other passengers as a part of the regularly scheduled operation of a mass transit system; or
- (4) A privately owned passenger van when such transportation is provided by a community association duly incorporated with the department of commerce and consumer affairs which operates for the purpose of promoting recreation, health, safety, or social group functions.

"Type I school bus" means a bus with a gross vehicle weight rating of more than ten thousand pounds used to carry pupils to or from school or related events.

"Type II school bus" means a bus with a gross vehicle weight rating of ten thousand pounds or less used to carry pupils to or from school or related events.

"Type III school bus" means a van with a gross vehicle weight rating of more than three thousand pounds but less than ten thousand pounds used to carry pupils to or from school or related events. [Eff APR 27 1989] (Auth: HRS §286-181) (Imp: HRS §286-181)

\$19-143-4 Identification. (a) All school buses with a gross vehicle weight rating of more than three thousand pounds shall:

- (1) Be identified with the words "school bus" printed in black letters not less than eight inches high on background of national school bus glossy yellow and in strokes not less than three-fourths inch in width located between the warning signal lamps or as high as possible without impairing visibility of the lettering from both front and rear, and have no other lettering on the front or rear of the vehicle;
- (2) Be painted national school bus glossy yellow, in accordance with the colorimetric specification of federal standard number 595a, color 13432, except that the hood shall be either that color or lusterless black, matching federal standard number 595a, color 37038;
- (3) Have bumpers of glossy black, matching federal standard number 595a, color 17038; unless for increased night visibility, they are to be covered with retroreflective material;
- (4) Be equipped with a system of signal lamps that conforms to the school bus requirements of FMVSS 108, if the school bus is operated on a school bus route having stops where the use of the signal lamp is required by state law or county ordinance; and
- (5) Have a system of mirrors that will give the seated driver a view of the roadway to each side of the bus, and of the area immediately in front of the front bumper, in accordance with the following procedure: When a rod, thirty inches long, is placed upright on the ground at any point along a traverse line one foot forward of the forwardmost point of a school bus and extending the width of the bus, at least seven and a half inches of the length of the rod shall be visible to the driver, either by direct view or by means of an indirect visibility system.

(b) All school buses being operated on a public highway and transporting primarily passengers other than school pupils shall have the words "school bus" covered, removed, or otherwise concealed, and equipment required by this section shall not be operated. [Eff APR 27 1989]
(Auth: HRS §286-181) (Imp: HRS §§286-181, 291C-95)

§19-143-5 No-fault insurance. (a) All school buses shall be insured under a no-fault policy issued by a firm authorized to do business in the State of Hawaii and meeting the coverage requirements of state law.

(b) Additional coverage shall be at the option of the insured. The policy shall include the State and its counties as the additional party insured, if the buses are contracted by the State.

(c) No school bus carrier shall be allowed to operate upon or to use the public streets or highways of the state until the carrier has filed proof of insurance.
[Eff APR 27 1989] (Auth: HRS §286-181) (Imp: HRS §§286-181, 294-10)

§19-143-6 Drivers qualifications. (a) To meet department qualifications no person shall be permitted to operate a school bus unless such person holds a valid driver's license of appropriate class pursuant to section 286-102, HRS and a valid motor carrier medical examination certificate as required by chapter 19-141, motor carrier safety regulations. The driver license and medical certificate shall be carried by the driver on school bus trips and shall be presented on demand by the police or any state or county official authorized by the director. For the purposes of eligibility, the department or its designated agent shall deny a school bus driver operating privilege if an applicant:

- (1) Does not hold a valid driver's license of appropriate class;
- (2) Has been convicted of any of the following felonies within the last five years, or misdemeanors during the last three years:
 - (A) Driving while under the influence of intoxicating liquor or drugs;
 - (B) Negligent homicide;
 - (C) Careless driving;
 - (D) Use, sale, or possession of narcotics or dangerous drugs; or
 - (E) Any felony not specified in this section.
- (3) Has been convicted of any sexual abuse of a child.

- (4) Has had his driving privilege suspended or revoked for cause involving unsafe operation of a motor vehicle;
 - (5) Has had three moving violations or bail forfeitures within a twelve-month period;
 - (6) Has not been certified by a licensed doctor of medicine or osteopathy as meeting the requirements of chapter 19-141, motor carrier safety regulations.
 - (7) Has not attained the age of 21 years.
 - (8) Has not obtained a negative biannual tuberculosis X-ray or skin test or a certification of the absence of infectious tuberculosis from the state department of health or a state licensed physician.
 - (9) Has less than one year of driving experience.
- (b) The department may suspend, revoke, deny, cite or place on probation for any good or just cause the operation of any school bus carrier or driver operating privileges for any violation of the law or this chapter.
- (c) Any applicant whose application has been denied, suspended, or revoked by the department may within ten calendar days after receiving the notice of denial, suspension, or revocation appeal the decision to the director. The appeal shall be in writing stating reasons why the applicant's operating privilege should not be denied, suspended, or revoked. Upon such request, the director shall respond to the appeal in writing within thirty calendar days. Failure to appeal within ten calendar days after receiving notice of denial, suspension, or revocation of the applicant's operating privilege shall be deemed the waiver of right to appeal.
- (d) Any person aggrieved by the decision of the department may appeal that decision to the director. The director may hold hearings on the appeal in accordance with chapter 91, Hawaii Revised Statutes.
- [Eff. APR 27 1989] (Auth: HRS §286-181) (Imp: HRS §286-181)

§19-143-7 School bus driver training and qualification file. (a) For the purposes of pre-service training, every employer of a school bus driver shall inform and educate each driver about the laws and rules relating to school bus operation before allowing the driver to transport school students. Employers shall test the driver's knowledge of this chapter by administering the examination provided by the department. The employer shall not permit anyone who has not completed the examination with a passing score of seventy-eight per cent to transport students in a school bus.

(b) Every employer of a school bus driver shall acquaint the driver with the routes and operations of a school bus by having the prospective driver operate the bus on a school bus route under supervision. The supervisor shall certify that the driver has performed satisfactorily. The employer shall not permit anyone who has not performed satisfactorily to transport students in a school bus.

(c) For the purposes of in-service training, every employer of a school bus driver shall provide an annual eight-hour school bus driver in-service training program approved by the department, provided that for drivers with five years of continuous experience with their current employer, this requirement shall be biannual, including but not limited to the following topics:

- (1) The role and responsibilities of the school bus driver;
- (2) Accidents and emergencies including first aid;
- (3) Bus maintenance and inspection; and
- (4) Driving fundamentals.

Employers who do not have training programs may arrange to have their drivers attend training programs approved by the department and offered by other companies. Every school bus driver shall attend the training sessions. Drivers who fail to attend the training sessions shall have their school bus driver operating privilege revoked by the department.

(d) Each employer of a school bus driver shall maintain a current driver qualification file for each driver the employer employs which includes a record of the following:

- (1) Current medical certificate;
- (2) Annual traffic abstract from Hawaii and the state in which the driver is licensed;
- (3) Copy of valid driver's license of appropriate class, type 3 or 4 as designated by HRS;
- (4) Copy of bus driver's examination on school bus laws and rules;
- (5) Participation in school bus driver training activities;
- (6) Commendations or complaints;
- (7) Accidents involving the bus driver; and
- (8) Certification of a negative tuberculosis examination.

The employer shall provide the driver qualification file for review upon request by any state or county agency whose responsibilities include pupil transportation safety. [Eff APR 27 1989] (Auth: HRS §286-181) (Imp: HRS §286-181)

S19-143-8 Equipment. (a) To comply with federal standards, all school bus equipment and supplies shall meet the following minimum FMVSS. This requirement shall also apply to vehicles converted for school bus use and school bus equipment and supplies purchased prior to the adoption of the applicable standards.

Federal Motor Vehicle
Safety Standard

	<u>Title</u>
101	Control Location, Identification and Illumination
102	Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect
103	Windshield Defrosting and Defogging Systems
104	Windshield Wiping and Washing Systems
105	Hydraulic Braking Systems
106	Brake Hoses
107	Reflecting Surfaces
108	Lamps, Reflective Devices and Associated Equipment
111	Rearview Mirrors
113	Hood Latch Systems
116	Motor Vehicle Brake Fluids
119	New Pneumatic Tires for Vehicles Other than Passenger Cars
120	Tire Selection and Rims for Motor Vehicles Other than Passenger Cars
121	Air Brake System
124	Accelerator Control Systems
125	Reflectors Used to Indicate Vehicles Stalled on the Highways
201	Occupant Protection
203	Impact Protection for the Drivers
204	Steering Control Rearward Displacement
205	Glazing Materials
206	Door Locks and Door Retention Components

Federal Motor Vehicle
Safety Standard

Title

207	Seating System
208	Occupant Crash Protection
209	Seat Belt Assemblies
210	Seat Belt Assembly Anchorages
213	Child Seating Systems
217	Bus Window Retention and Release
219	Windshield Zone Intrusion
220	School Bus Rollover Protection
221	School Bus Body Joint Strength
222	School Bus Passenger Seating and Crash Protection
301	Fuel System Integrity
302	Flammability of Interior Materials

(Type III school bus shall not be required to meet FMVSS 220, 221, and 222.)

(b) All school buses shall have the parts and accessories necessary for safe operation as described in General Order No. 2, Sections 390.41, 393.82a, 393.94, and 396.06.

(c) All school buses shall have the following parts and accessories for safe operation as described in chapter 19-141, motor carrier safety regulations, Sections 393.11, 393.12, 393.19, 393.20, 393.22, 393.24, 393.25, 393.26, 393.27, 393.28, 393.29, 393.30, 393.31, 393.40, 393.41, 393.42, 393.44, 393.45, 393.46, 393.47, 393.48, 393.49, 393.50, 393.51, 393.52, 393.60, 393.61, 393.62, 393.63, 393.65, 393.67, 393.69, 393.75, 393.78, 393.80, 393.81, 393.82, 393.83, 393.84, 393.88, 393.89, 393.94, and 393.95.

(d) Modifications of any vehicle shall have prior approval of the department.

(e) All school buses shall carry a removable first aid kit in an observable and accessible place. The following items shall constitute the minimum contents of the first aid kit:

- (1) 1 x 36-inch x 26-inch absorbant gauze;
- (2) 1 x 1/2 inch x 2-1/2 yards tape;
- (3) 1 triangular bandage;
- (4) 1 x 3-inch compress;
- (5) 1 antiseptic swabs;
- (6) 1 stock - 16 unit 1-inch x 3-inch bandages;
- (7) 1 x 1-inch roller gauze;
- (8) 5 clean wipes; and
- (9) 1 pair of scissors.

- (f) The following seat specifications shall apply to all buses.
- (1) All seats shall have a minimum fore and aft depth of fourteen inches;
 - (2) The minimum center-to-center spacing shall be twenty-six inches measured at cushion height and twenty-four inches for vans transporting preschool elementary students exclusively;
 - (3) The minimum seat back height shall be twenty inches measured from seat cushion level;
 - (4) All seat backs and seats shall be cushioned;
 - (5) The top rail, top corners, and the upper portion of the rear surface down to a line ten inches below the top rail shall be padded except for buses that were manufactured without padding on the rails;
 - (6) All seats on type II and type III buses (under ten thousand pounds GVWR) shall be equipped with seat belts for each passenger and the driver;
 - (7) Jump seats or portable seats are prohibited;
 - (8) All seats shall be facing forward;
 - (9) All seats shall be securely fastened to the bus; and
 - (10) Drivers of type I school buses equipped with seat belts shall wear them whenever the vehicle is in motion. [Eff APR 27 1989] (Auth: HRS \$286-181) (Imp: HRS \$286-181)

\$19-143-9 Passenger capacity. The passenger capacity of the bus shall be the number of passengers that can be safely seated. Safely seated shall be interpreted to mean that all passengers are seated against the seat back and within the confines of the seat. School bus drivers shall not transport passengers in excess of the number that can be safely seated. [Eff APR 27 1989] (Auth: HRS \$286-181) (Imp: HRS \$286-181)

\$19-143-10 Inspection and maintenance. (a) Chapter 19-141, motor carrier safety regulations, Sections 396.3, 396.5, 396.7, 396.9, and 396.13 and HRS, 286-209, shall be observed in the inspection and maintenance of school buses.

(b) Motor carrier vehicles shall be inspected and certified once every six months.

(c) County inspectors or qualified state officials may perform on-site or an on-the-road inspection of school buses and may mark out of service any school bus which by reason of its mechanical condition is so imminently

hazardous to operate as to likely cause an accident or a breakdown. The procedure as outlined in chapter 19-141, motor carrier safety regulations, shall be observed when buses are declared out of service.

(d) School bus drivers shall perform pre-trip inspections of the vehicle before transporting passengers utilizing a form approved by the department and shall report promptly, orally, and in writing to the bus driver's immediate superior any defects or deficiencies discovered that may affect the safety of the vehicle's operation or result in its mechanical breakdown and shall not operate the school bus until the defects are corrected. Copies of the pre-trip inspection report for the past three months shall be kept on file by the carrier.

(e) After completing a trip, school bus drivers shall report on a form approved by the department any defects or deficiencies of the school bus discovered by the driver or that was reported to the driver which may affect the safety of the operation of the school bus.

(f) The school bus carrier, upon notification by the driver of any defects or deficiencies that may affect the safety of the vehicle's operation, shall remove the vehicle from service until the defect or deficiency is corrected. It shall be the responsibility of the school bus carrier to correct any defects and shall keep on file the reports for the past three months.

(g) The bus driver inspection report shall be kept in the bus during operations. [Eff. APR 27 1989] (Auth: HRS §286-181) (Imp: HRS §286-181)

§19-143-11 Driving of school buses. All school bus carriers, their officers, agents, representatives, and employees responsible for the management, maintenance, operation, or driving of school buses, or hiring, supervising, training, assigning, or dispatching of drivers, shall comply with the following:

- (1) Drivers shall not permit standees on school buses. Drivers shall not put a school bus in motion until all students are safely seated. When unloading students, the driver shall not allow students to leave their seats until the bus comes to a complete stop.
- (2) Drivers shall not reverse school buses on the school grounds or at any point where students enter or leave the bus unless there are no other safe alternatives. If reversing is necessary, the driver shall activate the horn immediately before and intermittently during reversing or obtain the assistance of any adult.

- (3) Drivers shall not operate school buses with any trailer or other vehicle attached when the school bus is being used to transport students.
- (4) The driver shall not smoke or permit other passengers to smoke on the bus whenever students are being carried.
- (5) The school bus driver shall not permit firearms, explosives, flammables or other articles likely to endanger the safety of passengers to be carried on a school bus.
- (6) Passengers in school buses equipped with seat belts shall wear them whenever the vehicle is in motion. Type II and III school buses shall be equipped with seat belts for the driver and passengers. Drivers shall see that all passengers have their seat belts fastened whenever the bus is in motion. The driver shall also fasten their seat belts before the school bus is in motion.
- (7) Whenever passengers are on board, the driver shall not put the bus in motion until all the doors are closed and shall not open the doors until the bus comes to a complete stop. The driver may open the door whenever passengers are not on board for purposes of improving the driver's visual field.
- (8) The driver shall see that windows located on sides of buses which can be opened either from the upper or lower half shall be opened only on the upper half. The lower half shall be kept closed.
- (9) Drivers shall not deviate from the routes assigned by the employers. Drivers or owners shall report any hazardous conditions on a school bus route to the agency that is responsible for the area.
- (10) Except in a bona fide emergency, drivers operating state contracted school buses shall stop only at school bus stops designated or approved by the state agency responsible for establishing bus routes. Where bus stops have not been designated by the State, bus drivers may stop at locations designated by their employer.
- (11) Drivers shall see that their school bus is clean and sanitary when transporting students.
- (12) All school bus drivers shall activate the warning signal lamps whenever the school bus is stopped to load or unload passengers on highways as specified by state law.

- (13) Drivers of type I school buses equipped with seat belts shall wear them whenever the vehicle is in motion.
- (14) The following provisions of chapter 19-141, motor carrier safety regulations, shall be observed:
390.32, 392.3, 392.4, 392.5, 392.6, 392.7, 392.8, 392.9, 392.9a, 392.9b, 392.14, 392.15, 392.20, 392.22, 392.24, 392.30, 392.31, 392.32, 392.33, 392.40, 392.41, 392.42, 392.50, 392.51, 392.52, 392.61, 392.62, 392.63, 392.66, 392.68, 395.1, 395.2, 395.3, 395.7, 395.8, 395.11, and 395.13.
[Eff APR 27 1989] (Auth: HRS §286-181) (Imp: HRS §§286-181, 291C-95)

§19-143-12 Emergency. All school bus carriers shall provide instructions for passengers on how to open emergency exits and how to exit orderly through the regular and emergency exits. Two emergency evacuation drills previously approved by the department and utilizing volunteer passengers shall be conducted by the carriers each year. The first drill shall be within the months of September to December and the second drill within the months of January to May. Carriers shall keep a report on file certifying that the drills have been conducted.
[Eff APR 27 1989] (Auth: HRS §286-181) (Imp: HRS §§286-181, 296-12)

§19-143-13 Accidents. If an accident is required to be reported under chapter 19-141, motor carrier safety regulations, the driver of a school bus involved in an accident on a route to and from school or related events which results in death, injury, or property damage shall comply with chapter 19-141, motor carrier safety regulations. If pupils are on board, the driver shall report the accident verbally in person, or by phone as soon as possible to the motor vehicle safety office, motor carrier section. If the accident is not required to be reported as defined in chapter 19-141, motor carrier safety regulations, the driver shall complete the school bus accident report form approved by the department and submit the form within fifteen days after the accident.
[Eff APR 27 1989] (Auth: HRS §286-181) (Imp: HRS §286-181)

§19-143-14 Enforcement. Enforcement of this chapter shall be carried out by the motor carrier safety officers or delegated authorized representatives, including county police departments. [Eff APR 27 1989] (Auth: HRS §286-181) (Imp: HRS §286-181)

§19-143-15 Exemptions. Exemptions from the requirements of this chapter may be made by the director. Exemptions may be granted when it appears that the applicant is accomplishing the results intended to be attained by this chapter through the use of methods other than those specifically set forth in this chapter. Temporary exemptions may be granted by the director where immediate compliance would cause undue hardships to school bus carriers and the State. Any exemption may be rescinded for good cause at any time by the director. [Eff APR 27 1989] (Auth: HRS §286-181) (Imp: HRS §286-181)

§19-143-16 Application for exemption. (a) Persons applying for exemption shall state in writing the specific exemption requested, reasons why the exemption should be granted and duration of exemption, and any other pertinent data.

(b) Application for exemption shall be made to the director who shall advise the applicant of the director's decision within sixty calendar days after receiving the application.

(c) Any person aggrieved by the decision of the director may appeal that decision to the department. The department may hold hearings on the appeal in accordance with chapter 91, Hawaii Revised Statutes. The decision of the department shall be final. [Eff APR 27 1989] (Auth: HRS §286-181) (Imp: HRS §286-181)

DEPARTMENT OF TRANSPORTATION

Chapter 19-143, Hawaii Administrative Rules, on the Summary page dated March 1, 1989, was adopted on March 1, 1989, following public hearings held on January 18, 23, 24, 25, 30, and 31, 1989, after public notice was given in the Honolulu Advertiser on December 22, 1988, the Hawaii Tribune-Herald and Garden Island News on December 23, 1988, the Maui News on December 26, 1988 and the Molokai News on January 1, 1989.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.



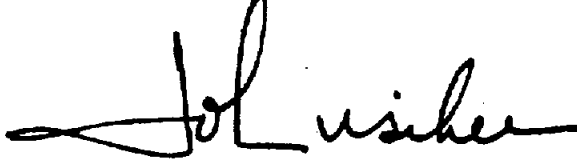
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APPROVED:



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Governor
State of Hawaii

Dated: APR 17 1989

REC'D. BY

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LI. GOVERNOR'S OFFICE

Filed